



STATEWIDE GRIEVANCE COMMITTEE

www.jud.state.ct.us

Second Floor – Suite Two
287 Main Street, East Hartford, Connecticut 06118-1885

Attorney Patricia King
Assistant Disciplinary Counsel
80 Washington Street
Hartford, CT 06106

Attorney William B. Barnes
1100 Kings Highway East
P.O. Box 687
Fairfield, CT 06825

RE: Grievance Complaint #04-0078, Cannon v. Barnes

Dear Assistant Disciplinary Counsel and Respondent:

Pursuant to Practice Book §2-82(b), the undersigned, duly-appointed reviewing committee of the Statewide Grievance Committee, has reviewed the *Conditional Admission and Agreement as to Discipline* (hereinafter “*Conditional Admission*”) filed November 18, 2004 and submitted for approval in the above referenced matter. After careful consideration of the *Conditional Admission*, the *Affidavit* of the Respondent submitted pursuant to Practice Book §2-82(c) and the entire record of the complaint including the Respondent’s refund of the legal fee and return of the Complainant’s file, and after conducting a hearing pursuant to Practice Book §2-82(b) on November 3, 2004, the undersigned hereby APPROVE the *Conditional Admission*, a copy of which is attached hereto together with the *Affidavit* of the Respondent. Accordingly, the disposition agreed to by the Assistant Disciplinary Counsel and the Respondent in the above referenced matter and set forth in the *Conditional Admission* is hereby made an order of this reviewing committee. The Respondent is reprimanded.

Reviewing committee member Attorney Rita Steinberger was not available for the November 3, 2004 hearing. The Assistant Disciplinary Counsel and the Respondent’s counsel waived the participation of Attorney Steinberger in the consideration and decision of the *Conditional Admission and Agreement as to Discipline*. Accordingly, the matter was considered and decided by the undersigned.

So ordered.

cc: Susan Cannon
Attorney William Gallagher
Attorney George J. Ferrio


DECISION DATE: 12/3/04

(8)
asc

Grievance Complaint #04-0078

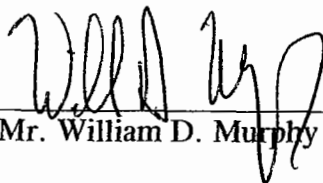
Decision

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Attorney Randy L. Cohen

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Mr. William D. Murphy

STATEWIDE GRIEVANCE COMMITTEE

GRIEVANCE COMPLAINT NO. 04-0078

SUSAN CANNON
Complainant

v.

NOV 18 2004

WILLIAM B. BARNES
Respondent

CONDITIONAL ADMISSION AND AGREEMENT AS TO DISCIPLINE

Pursuant to Practice Book § 2-82, the undersigned Respondent and Disciplinary Counsel stipulate and agree as follows:

1. This matter was instituted by grievance complaint filed by the Complainant on January 29, 2004.
2. On May 25, 2004 the Fairfield Grievance Panel found probable cause that the Respondent violated Rules 1.3, Diligence, 1.4, Communication, 1.5 Unreasonable fee, and 1.16 Improper Termination, arising from respondent's representation of complainant in a sexual harassment case. The local panel noted in its finding that the respondent's assertion that complainant paid only \$250.00 of a \$2500.00 retainer was false.
3. The Respondent has tendered a conditional admission of fact in accordance with his affidavit attached hereto, admitting that he violated the Rules of Professional Conduct with respect to Diligence, Communication, and Termination of Representation.
4. In addition to admitting the violation of the foregoing rules, respondent has agreed to refund any fee paid by the complainant.
5. Further, respondent has agreed to implement a policy in his office that insures communication and timely handling of files by adopting a new computer program with dates, deadlines and communication.

applications, and to comply with the Rules of Professional Conduct in all respects in the future.

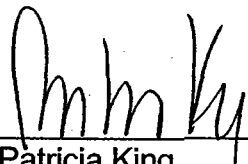
6. This grievance arose as the result of respondent's representation of complainant in a sexual harassment case beginning in October 30, 2002. Respondent initially appeared to have diligently pursued the matter through approximately February 2003, and was involved in settlement negotiations with the opposing party. The complainant rejected a settlement offer of \$15,000.00 at the respondent's recommendation. Complainant was then led to believe that there was a settlement offer of \$25,000.00 outstanding as of February 2003. However, the case was never settled.
7. Respondent also failed to pursue the matter in a timely fashion before the State Commission on Human Rights and Opportunities.
8. Complainant called respondent between February and September 2003 seeking information as to the status of her case. In December 2003 respondent then abruptly and unilaterally terminated his representation of complainant for her failure to pay her bills, without providing reasonable notice as required by Rule 1.16.
9. Respondent has been admitted to practice in Connecticut since 1979, does not have a history of grievance complaints, and assures Disciplinary Counsel that this is an isolated matter.
10. Disciplinary Counsel has agreed to recommend to the Statewide Grievance Committee that it issue a reprimand in this case.
11. Respondent agrees to refund the fee of \$2500.00 and return the file to the Complainant through the Disciplinary Counsel's Office by November 17, 2004.

12. Complainant has been consulted as to the proposed resolution of this matter, and consents.

WHEREFORE, this matter is submitted to the Statewide Grievance Committee for its approval in accordance with Practice Book § 2-82 (b).

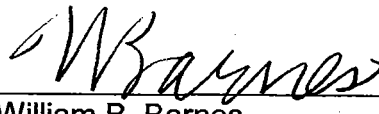
Office of Disciplinary Counsel

11/3/04
Date

By: 
Patricia King
Assistant Disciplinary Counsel

11/10/04
Date

By: Respondent


William B. Barnes

11/11/04
Date

By: Respondent's Counsel


William F. Gallagher

AFFIDAVIT OF RESPONDENT

STATE OF CONNECTICUT)

SS.

COUNTY OF

)

I am over the age of 18 and believe in the obligation of an oath.

Pursuant to Practice Book §2-82, I make the follow affidavit:

1. The Conditional Admission attached hereto and made a part hereof is voluntarily submitted.
2. I herein consent to the form of discipline set forth in the proposed decision attached to the Conditional Admission and made a part thereof;
3. I am aware that I have a right to a full hearing on this matter and I waive that right by entering into this agreement.
4. I have been neither subject to coercion nor duress and I am fully aware of the implications of this Affidavit and Conditional Admission;
5. I am aware of the current proceeding regarding my violation of Rules of Professional Conduct 1.3, 1.4, 1.5 and 1.16 as it specifically relates to my representation of Susan Cannon and I acknowledge that my representation violated the foregoing rules of the Rules of Professional Conduct.
6. I admit that I violated the Rules of Professional Conduct by failing to communicate, act diligently, and by improperly terminating representation of the complainant.
7. I agree that the Statewide Grievance Committee may issue a reprimand in this matter.

8. I deny any other violations of the Rules of Professional Conduct.

W Barnes
WILLIAM B. BARNES

Subscribed and sworn to before me

this 10th day of November, 2004.

Diane E. Lally

Notary Public

~~Commissioner of the Superior Court~~

my Commission Exp. 12/31/08